

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 06, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN-MICHAEL RAY DURHAM,

Plaintiff,

v.

ASHLEY HOPKINS, DCYF; JASON  
HAINES, DCYF; BETH WILLEY,  
DCYF; CAITLYN KWAMINA,  
DCYF; KAITLIN DAHLIN, DCYF;  
EMILY HAINSTEN, DCYF; KATIE  
CHRISTOPHERSON, Assistant  
Attorney General,

Defendants.

NO: 2:24-CV-0299-TOR

ORDER GRANTING DEFENDANTS'  
MOTION TO DISMISS

BEFORE THE COURT is Defendants' Motion to Dismiss. ECF No. 14.

This matter was submitted for consideration without oral argument. Plaintiff has not responded to the Motion to Dismiss, timely or otherwise. The Court has reviewed the briefing and the record and the files herein and is fully informed. For the reasons discussed below, Defendants' Motion to Dismiss, ECF No. 14, is **GRANTED.**

1 Plaintiff, John-Michael Ray Durham (“Durham”), proceeding *pro se*, filed a  
2 complaint September 10, 2024, against Defendants alleging claims as to slander  
3 and libel and alleged violations of the Washington State Constitution. ECF No. 1.

4 Plaintiff has not shown that this Court has jurisdiction over any of the named  
5 Defendants for the allegations alleged. This Court does not have Federal Question  
6 jurisdiction and the Eleventh Amendment bars this suit in Federal Court.

7 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*  
8 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The  
9 good faith standard is an objective one, and good faith is demonstrated when an  
10 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*  
11 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an  
12 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,  
13 490 U.S. 319, 325 (1989).

14 The Court finds that any appeal of this Order would not be taken in good  
15 faith and would lack any arguable basis in law or fact. Accordingly, the Court  
16 hereby revokes Plaintiff’s *in forma pauperis* status.

17 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 18 1. Defendants’ Motion to Dismiss, ECF No. 14, is **GRANTED**.
- 19 2. Plaintiffs’ Complaint (ECF No. 1) is **DISMISSED with prejudice**.
- 20 3. Plaintiffs’ pending motions before the Court are **DENIED as moot**.

1 4. Plaintiff's *in forma pauperis* status is **REVOKED**. The Court finds that any  
2 appeal of this Order would not be taken in good faith and would lack any  
3 arguable basis in law or fact.

4 The District Court Executive is hereby directed to enter this Order, furnish  
5 copies to the parties, enter judgment for Defendants, and **CLOSE** the file.

6 **Dated** December 6, 2024.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
United States District Judge